

IN THE UNITED STATES DISTRICT COURT

FILED

GREAT FALLS, MONT.

FOR THE DISTRICT OF MONTANA 2011 NOV 28 PM 1 30

GREAT FALLS DIVISION

PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JEREMY LESLIE ADAMS,)
)
Defendant.)
_____)

Cause No. CR 09-42-GF-SEH
CV 11-83-GF-SEH

ORDER DISMISSING MOTION AND
DENYING CERTIFICATE OF
APPEALABILITY

On November 28, 2011, a relative of Defendant Adams submitted, purportedly on Adams' behalf, a motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255.

As Ms. Wilson has already been advised, *see* Order (doc. 46), she is not an attorney admitted to the Bar of this Court. A power of attorney may, under state law, make her an attorney in fact, but it certainly does not make her an attorney at law. Ms. Wilson may not represent Adams in this Court. Adams must appear personally or through counsel. 28 U.S.C. § 1654; *see also* Judiciary Act of 1789, § 35, 1 Stat. 73, 92 (1789).

This point is well-settled law. A certificate of appealability is not warranted. *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

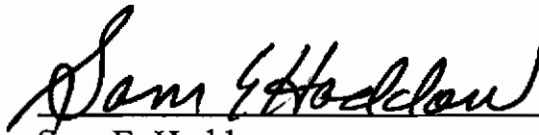
ORDERED:

1. The motion purportedly filed on Adams' behalf (doc. 71) is DISMISSED and STRICKEN from the record. No further action will be taken on it.

2. A certificate of appealability is DENIED.

3. The Clerk of Court shall close the civil file, Cause No. CV 11-83-GF-SEH.

DATED this 28th day of November, 2011.

A handwritten signature in black ink, appearing to read "Sam E. Haddon", is written over a horizontal line.

Sam E. Haddon
United States District Court